

# Exhibit B

## Answer

STATE OF VERMONT

SUPERIOR COURT  
WINDSOR UNIT

CIVIL DIVISION  
DOCKET NO.: 23-CV-00079

CRAIG PIFER	)
Plaintiff	)
	)
v.	)
	)
IMERYS TALC VERMONT, INC.,	)
and MAGRIS TALC USA, INC.	)
Defendants	)

**ANSWER OF THE DEFENDANT, IMERYS TALC VERMONT, INC., TO THE  
PLAINTIFF'S COMPLAINT**

The Defendant, Imerys Talc Vermont, Inc. ("Imerys" or "Defendant"), answers the separately numbered paragraphs of the Plaintiff's Complaint as follows:

**INTRODUCTION**

1. The Defendant, Imerys, denies the allegations contained in this paragraph.

**PARTIES AND JURISDICTION**

2. The Defendant, Imerys, denies the allegations contained in this paragraph.
3. The Defendant, Imerys, is without knowledge as to the allegations contained in this paragraph.
4. The Defendant, Imerys, is without knowledge as to the allegations contained in this paragraph.
5. The Defendant, Imerys, denies the allegations contained in this paragraph.

**GENERAL ALLEGATIONS**

6. The Defendant, Imerys, denies the allegations contained in this paragraph.
7. The Defendant, Imerys, is without knowledge as to the allegations contained in this

paragraph.

8. The Defendant, Imerys, is without knowledge as to the allegations contained in this paragraph.
9. The Defendant, Imerys, denies the allegations contained in this paragraph.
10. The Defendant, Imerys, is without knowledge as to the allegations contained in this paragraph.
11. The Defendant, Imerys, denies the allegations contained in this paragraph.
12. The Defendant, Imerys, denies the allegations contained in this paragraph.
13. The Defendant, Imerys, denies the allegations contained in this paragraph.
14. The Defendant, Imerys, denies the allegations contained in this paragraph.
15. The Defendant, Imerys, denies the allegations contained in this paragraph.

**CAUSE OF ACTION - NEGLIGENCE**

16. The Defendant, Imerys, answers to paragraphs 1 through 14 are repeated, reasserted and incorporated herein by reference.
17. The Defendant, Imerys, denies the allegations contained in this paragraph.
18. The Defendant, Imerys, denies the allegations contained in this paragraph.
19. The Defendant, Imerys, denies the allegations contained in this paragraph.
20. The Defendant, Imerys, denies the allegations contained in this paragraph.

**AFFIRMATIVE DEFENSES**

**FIRST DEFENSE**

The Complaint fails to state a claim against the Defendant upon which relief can be granted and, therefore, the Complaint should be dismissed pursuant to V.R.C.P. 12(b)(6).

**SECOND DEFENSE**

The Defendant denies any and all claims of liability.

**THIRD DEFENSE**

No act or omission of the Defendant was the proximate cause of the injuries alleged in the Plaintiff's Complaint.

**FOURTH DEFENSE**

The alleged injuries sustained by the Plaintiff are the result of an intervening and/or superseding event with which the Defendant was not involved.

**FIFTH DEFENSE**

The Defendant disputes the exact nature, extent and effects of the alleged damages the Plaintiff claims to have suffered as a result of the alleged actions of the Defendant.

**SIXTH DEFENSE**

The Defendant acted reasonably and with ordinary and due care at all times.

**SEVENTH DEFENSE**

The Defendant asserts the defense of assumption of the risk.

**EIGHTH DEFENSE**

The Complaint should be dismissed as the Plaintiff's injuries were caused by his own negligence.

**NINTH DEFENSE**

This action is barred pursuant to VT. STAT. ANN. tit. 12, § 1036 because the Plaintiff's, negligence, with respect to the allegations contained in the Complaint, is

greater than that of the Defendant.

**TENTH DEFENSE**

Any judgment obtained by the Plaintiff against the Defendant must be reduced in proportion to the Plaintiff's degree of negligence pursuant to VT. STAT. ANN. tit. 12, § 1036.

**ELEVENTH DEFENSE**

The Complaint should be dismissed as the Plaintiff had an obligation to look out for his own safety and he failed to do so.

**TWELFTH DEFENSE**

The actions, inactions, and/or negligence of a person or entity other than the Defendant was the cause of the Plaintiff's alleged injuries.

**THIRTEENTH DEFENSE**

The Complaint must be dismissed where the Defendant owed no duty of care to the Plaintiff.

**FOURTEENTH DEFENSE**

The Plaintiff has failed to mitigate, minimize or avoid damages, if any, alleged in the plaintiff's Complaint; accordingly, any recovery must be reduced by the amount of damage resulting from such failure.

**FIFTEENTH DEFENSE**

Imerys Talc Vermont, Inc. had no role whatsoever concerning the operations where the Plaintiff was injured and should be dismissed from this pending action.

**SIXTEENTH DEFENSE**

The acts or omissions which are alleged to have caused the damages and/or injuries

referred to in the Complaint were committed by a third party who was not an agent or employee of the Defendant and for whose acts or omissions the Defendant is not legally responsible.

**THE DEFENDANT DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE.**

THE DEFENDANT,  
IMERYS TALC VERMONT, INC.,  
BY ITS ATTORNEY,

*/s/ Thomas J. Fay, Esq.*

DATE: 1.31.23

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 31st day of January 2023.

*Counsel for the Plaintiff*

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SIGNED UNDER THE PENALTIES OF PERJURY THIS 31st DAY OF JANUARY 2023.

*/s/ Thomas J. Fay, Esq.*

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